Proposed Closing of part of Sharp Boulevard at Portage Avenue – Assiniboia Community

File DAC 12/2001

1. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from Richard Wojcik of Wojcik's Funeral Chapel and Crematorium to purchase the portion of Sharp Boulevard identified as "proposed closing" on Misc. Plan No. 11188/1.

The portion of the street adjoining the building on the property is maintained as boulevard by Wojcik's Funeral Chapel and Crematorium. The boulevard constitutes the south half of the street. The north half of the street at the rear of 2157 Portage Avenue is paved and used as part of the parking lot for the business.

The proposal has been circulated to all affected City Departments and public utilities. There were no objections to the sale of the land, subject to the following conditions.

The application as submitted by Richard Wojcik requested the purchase of the easterly 6.096 metres (20 feet) of Sharp Boulevard adjacent to his property. The Transportation Division of the Public Works Department has stated that a 4 metre by 4 metre corner of Sharp Boulevard is to be retained for street right of way. The Transportation Division has further stipulated that title to the street, once closed, is to be consolidated with the title to the purchaser's adjoining lands.

The District Planner for the Planning, Property and Development Department recommended that the parking area not be expanded beyond the existing paved area of the street that the Funeral Chapel and Crematorium is presently using, that the use of the parking area be confirmed as being in compliance with the Winnipeg Zoning By-law No. 6400/94, and that the existing grassed area be maintained.

Manitoba Hydro will require an easement for the maintenance of its pole line in the area.

The street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province of Manitoba. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

The portion of the street proposed to be closed and sold lies between the applicant's property and the existing sidewalk. The public parking area on the east side of Sharp Boulevard will be unaffected by this proposal.

The Real Property Officer of the Planning, Property and Development Department recommended, as contained in report dated August 20, 2001, that the proposed street closing be approved, and the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 11188/1.

On September 18, 2001, the Assiniboia Community Committee considered the application under File DAC 12/2001 to close a part of Sharp Boulevard at Portage Avenue. Two persons appeared in support of the application and ten persons were registered in opposition thereto.

The Assiniboia Community Committee did not concur with the recommendation contained in the report dated August 20, 2001 from the Real Property Officer, Planning, Property and Development Department, and recommended that the proposed street closing not be proceeded with.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends that the application under File DAC 12/2001, to close a part of Sharp Boulevard at Portage Avenue, not be proceeded with.

Appendix “A” referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated November 20, 2001

